

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NATIONAL RETIREMENT
FUND ADJUSTABLE PLAN,

Plaintiffs,

-against-

BRIGADE MANUFACTURING NORTH, LLC,

Defendant.

21-cv-08689 (PMH)(PED)

DEFAULT JUDGMENT

This action having been commenced on October 22, 2021 by filing of a Complaint, and Plaintiffs Trustees of the National Retirement Fund Adjustable Plan ("Plaintiffs") having served copies of the Summons and Complaint upon Brigade Manufacturing North, LLC, ("Defendant"), a Pennsylvania corporation, on November 8, 2021 by personal service upon Dick Holcome, a member of Defendant's Board of Directors and who is authorized to receive service for Defendant, and proof of such service having been filed with the Court on November 22, 2021, and Defendant not having appeared, answered, or otherwise moved with respect to the Complaint, and the time for appearing, answering or moving having expired, and the Court having issued its Order to Show Cause requiring Defendant to show cause before the Court why a Default Judgment should not be entered against Defendant, and the Court having held a hearing pursuant to the Order to Show Cause, and Defendant having failed to appear at the show cause hearing; it is

NOW, THEREFORE, upon application of the Plaintiffs and upon reading the Affidavits of David C. Sapp, Esq., duly sworn the 23rd day of March 2022, the Affidavit of Nelson Wu in

Support of Award of Principal Amount of Contributions, duly sworn on May 11, 2022, and the Certificate of Ruby J. Krajick, Clerk of Court, United States District Court for the Southern District of New York, noting the default of Defendant for failure to appear, answer or otherwise move with respect to the Complaint, it is hereby,

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant in the principal amount of \$19,302.28 for delinquent contributions for the period of March 2021 through and including September 2021, interest computed at one percent (1.00%) per month or part thereof on the delinquent contributions through the date of Judgment in the amount of \$2,142.21, and liquidated damages at an amount equal to the greater of the total interest due on the delinquent contributions or twenty percent (20.00%) of the delinquent contributions in the amount of \$3,860.46, all totaling \$25,304.95; and

ORDERED, ADJUDGED AND DECREED that Plaintiffs have Judgment against Defendant for costs of the instant action in the amount of \$402.00; and

ORDERED, ADJUDGED AND DECREED that, given the foregoing, Plaintiffs have Judgment against Defendant in the total amount of \$25,706.95; and it is further

ORDERED, ADJUDGED AND DECREED that Defendant be restrained and enjoined permanently from becoming or remaining delinquent in its contributions and remitting its Contribution Reports to the National Retirement Fund Adjustable Plan and ordering Defendant to make such contributions and remit such Contribution Reports in accordance with the terms and conditions of the National Retirement Fund Adjustable Plan's rules and regulations and the Bargaining Agreement between Defendant and the Union; and it is further

ORDERED, ADJUDGED AND DECREED that interest shall continue to accrue on the amount due under this Judgment at the legal rate as defined in 28 U.S.C. §1961 from the date of entry of this Judgment on May 26, 2022 until the Judgment is fully satisfied.

Dated: May 26, 2022
White Plains, New York

SO ORDERED:

A handwritten signature in black ink, appearing to read 'P. Halpern', with a long, sweeping flourish extending upwards and to the right.

Honorable Philip M. Halpern
United States District Judge